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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,619	01/12/2001	Keith Schwols	10990068-1	2399

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HAMILTON, MONPLAISIR G

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,619

Applicant(s)

SCHWOLS, KEITH

Examiner

Monplaisir G Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8 were pending. The communication filed on 4/21/03 cancelled claims 2 and 5 and amended claims 1, 3, 4 and 6. Claims 1, 3, 4 and 6-8 remain for examination.

Response to Arguments

2. Applicant's arguments filed 4/21/03 have been fully considered but they are not persuasive.

Applicant argues: "Applicant respectfully traverses. Without admitting whether or not Dunphy discloses the other limitations of claims 1 and 4, Shaath fails to disclose or suggest the use of a GUID to create a unique identifier. Shaath, in column 5, lines 3-5 discloses a need, in his invention, for a unique identifier, and in column 51 lines 22-29 he discloses using a very large number of characters in a name to assist in making a name unique, but Shaath does not disclose or suggest any method of achieving the uniqueness of the name. Having a large number of characters available for a name does not guarantee that a name that uses all those characters will be unique. Applicants invention, on the other hand, provides a method of creating such a unique name, that is by creating a GUID, which is a well defined method of creating a 16 character identifier, as discussed in Applicant's specification, page 18, lines 16-28.

Applicant's claims 1 and 4, as amended, claim creating a GUID and converting this GUID into the identifier for the medium. Further, Shaath, at column 5 lines 63-64 states "identifier is preferably unique" (emphasis added), thus teaching away from the invention by stating that his names need not be unique. Clearly, if the names used for the identifiers need not be unique, Shaath would have no reason to create a unique name. Therefore, Applicant believes claims 1, and 4, as amended, are patentable over the prior art of Dunphy in view of Shaath and claims 3 and 6 are patentable over the prior art of Dunphy in view of Shaath and further in view of Samsung. The Examiner rejected claims 7 and 8 under 35 U.S. 103(a) as

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being unpatentable over Shaath, et al. Applicant respectfully traverses. As discussed above, Shaath provides no method of creating a globally unique identifier, therefore, Shaath cannot teach or suggest creating a GUM and using the GUID as the name of a medium.”

Examiner holds that Shaath disclosure does not teach away from creating a unique identifier for removable storage. Shaath discloses allocating a unique and fixed identifier in the form of a drive name to removable media, which can be used to access the device across a communication medium (col 5, lines 2-15). Shaath further discloses that the drive name can consist of any of 64 alphanumeric characters (col 5, lines 20-30). This disclosure teaches the claimed steps of creating a globally unique identifier and assigning said unique identifier to a removable storage media. Examiner holds that Shaath disclosure renders applicant's claimed invention unpatentable.

Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., creating a GUID, which is a well defined method of creating a 16 character identifier, as discussed in Applicant's specification, page 18, lines 16-28) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 112

3. Claim 1 recites the limitation "removable storage device" in line 9. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests replacing "removable" with secondary.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable US 5638509, issued to Dunphy, herein referred to as Dunphy and US 6370,545, issued to Shaath et al, herein referred to as Shaath as applied to Claim 1 above, and further in view of Basic Software Algorithms by Samsung Electronics, herein referred to as Samsung.

Referring to Claims 1 and 4:

Dunphy discloses a method for protecting, tracking, and retrieving data on a computer system, said method comprising the steps of (col 1, lines 45-48; col 2, lines 40-45; col 5, lines 5-9): connecting a database to an existing operating system and to existing file management software on said computer system (Fig 1; col 6, lines 5-9; col 2, lines 40-45; col 3, lines 35-38);

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selecting at least one file to be protected from a primary storage device in said computer system (col 3, lines 21-24); copying said at least one file from said primary storage device to a secondary storage device in said computer system by activating said existing file management software to perform said copying (col 2, lines 40-45; col 5, lines 30-44); creating at least one database record when copying said at least one file from said primary storage device to said secondary storage device, wherein said at least one database record contains tracking information about said at least one file and about said copying (col 4, lines 25-30, 40-46); storing said at least one database record in said database (col 2, lines 1-5); and displaying said at least one database record, through a user interface for said existing file management software on a screen display in a graphics display device of said computer system (Fig 4; col 8, lines 49-55), wherein said at least one database record is displayed graphically as a virtual file representing said at least one file. (col 8, lines 54-55).

Dunphy does not explicitly disclose said at least one removable storage medium has a unique identifier, (c1) creating a globally unique identifier (GUID), (c2) converting said GUID into a character string., and(c3) assigning said character string as said unique identifier.

Shaath discloses allocating a unique and fixed identifier in the form of a drive name to removable media. Shaath further discloses (c1) creating a globally unique identifier (GUID) (col 5, lines 3-5), (c3) assigning said character string as said unique name for said removable storage medium (col 5, line 4).

Dunphy in view Shaath does not explicitly disclose “ (c2) converting said GIUD into a character string;”

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Samsung discloses a method for converting hexadecimal to (ASCII) a character string (Section 16, page 19).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Dunphy to provide the removable storage media with unique identifiers. One of ordinary skill in the art would have been motivated to do this because it would provide a non-volatile path to the stored information (Shaath: col 5, lines 3-6).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Dunphy and Shaath to convert the unique identifier from hexadecimal to a character string. One of ordinary skill in the art would have been motivated to do this because it would provide a nonvolatile name that is easily understood for the removable storage (col 5, lines 2-4).

Referring to Claims 3 and 6:

Dunphy, Shaath and Samsung disclose the limitations as discussed in Claims 1 and 4 above. Samsung further discloses converting each hexadecimal digit of said GUID into a single character of said character string (Section 16-19).

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6370,545, issued to Shaath et al, herein referred to as Shaath further in view of Basic Software Algorithms by Samsung Electronics, herein referred to as Samsung.

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Referring to Claim 7:

Shaath discloses a computer system method for creating a unique identifier for a removable storage medium (col 3, lines 55-60) comprising the steps of: (a) creating a globally unique identifier (GUID) (col 5, lines 3-5) (c) assigning said character string as said unique name for said removable storage medium (col 5, line 4)

Shaath does not explicitly disclose “(b) converting said GUID into a character string” Samsung discloses a method for converting hexadecimal to (ASCII) a character string (Section 16, page 19).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings Shaath to convert the unique identifier from hexadecimal to a character string. One of ordinary skill in the art would have been motivated to do this because it would provide a nonvolatile name that is easily understood for the removable storage (col 5, lines 2-4).

Referring to Claim 8:

Shaath and Samsung disclose the limitations as discussed in Claim 7 above. Samsung further discloses converting each hexadecimal digit of said GUID into a single character of said character string (Section 16-19).

Final Rejection

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is 1703-305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on 1703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 1703-746-7239 for regular communications and 1703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1703-305-3900.

Monplaisir Hamilton
June 17, 2003

SALAM
Prin SHAHID AL ALAM
PATENT EXAMINER